



COMMONWEALTH of VIRGINIA

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Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY

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**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION – ORDER BY CONSENT
ISSUED TO
SOLUTIA INC., OWNER
and
CPFILMS INC., OPERATOR
FOR THE FACILITY
Registration No. 30294**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board, Solutia Inc. and CPFilms Inc. regarding the CPFilms Facility, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the Title V permit issued March 12, 2008, and the Regulations for the Control and Abatement of Air Pollution.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Roanoke, Virginia

3. "CPFilms" means CPFilms Inc., a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. CPFilms is a "person" within the meaning of Va. Code § 10.1-1300.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
6. "Facility" means the Solutia Inc., Owner and CPFilms Inc., Operator facility located at 4210 The Great Road, Henry County, Virginia, that manufactures solar controlled window film.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. "O & M" means operations and maintenance.
9. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
10. "Permit" means the Title V permit to operate a solar controlled window film manufacturing facility, which was issued under the Virginia Air Pollution Control Law and Regulations to Solutia and CPFilms on March 12, 2008.
11. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" means 9 VAC 5 Chapters 10 through 80.
12. "Solutia" means Solutia Inc., a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. Solutia is a "person" within the meaning of Va. Code § 10.1-1300.
13. "Va. Code" means the Code of Virginia (1950), as amended.
14. "VAC" means the Virginia Administrative Code.
15. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Solutia and CPFilms owns and operates the Facility in Henry County, Virginia. The Facility is a manufacturer of solar controlled window film.
2. The Facility is the subject of the Permit which allows operation of a stationary source of Air Pollution.
3. On March 11 and 12, 2009, Department staff inspected the Facility for conformance with the requirements of the Virginia Air Pollution Control Law, the Permit and the Regulations. Based on the inspection and follow-up information, Department staff made the following observations:
 - a. Control device monitoring data for Dye Line #7 (EU07) was reviewed. The manually and continuously recorded data is maintained in an electronic format. Due to computer malfunctions, the facility was unable to provide records for the period of July 1, 2008 through October 27, 2008 for the following operating parameters: room negative pressure observations for the Permanent Total Enclosure, scrubber liquid flow rate and flow rate observations, pre-cooler exhaust temperature and demister pressure drop observations
 - b. Due to computer malfunctions, the facility was unable to provide Compliance Assurance Monitoring records for Dye Line #7 for the period of July 1, 2008 through October 27, 2008; as required by the Permit and 40 CFR 64.7.
 - c. The Title V Semi-annual Monitoring Report was received in the BRRO on March 20, 2009.
4. Condition IX.B.2 of the March 12, 2008 Title V Permit states, "Monitoring Device Observation/PTE – The room pressure monitor used to continuously measure the room negative pressure shall be observed by the permittee with a frequency not less than once per day or more frequently as sufficient to ensure good performance of the permanent total enclosure. The permittee shall keep a log of observations from the room pressure monitor."
5. Condition IX.B.3 of the March 12, 2008 Title V Permit state in part, "Monitoring Device/Packed Bed Scrubber – The packed bed scrubber used to control VOC and HAP emissions from Dye Line #7 (EU07) shall be equipped with a device to continuously measure and record the scrubber liquid flow rate or the scrubber refresh flow rate."

6. Condition IX.B.4 of the March 12, 2008 Title V Permit states,
“Monitoring Device Observation/Packed Bed Scrubber – The flow rate meter used to measure the packed bed scrubber liquid flow rate or the scrubber refresh flow rate shall be installed, maintained, calibrated, and operated in accordance with the manufacturers specifications. The flow rate shall be observed by the permittee with a frequency not less than once per day or more frequently as sufficient to ensure good performance of the packed bed scrubber. The permittee shall keep a log of observations from the flow rate meter.”
7. Condition IX.B.5 of the March 12, 2008 Title V Permit state in part,
“Monitoring Device and Observation/EG Recovery System – The EG recovery system used to reclaim EG shall be equipped with a device to continuously measure and record the temperature from the exhaust of the pre-cooler, using the thermocouple and temperature chart recorder or equivalent as approved by the DEQ.”
8. Condition IX.B.7 of the March 12, 2008 Title V Permit states,
“Monitoring Device Observation/Demister – To ensure good performance, the monitoring device used to continuously measure the pressure drop across each Brinks demister shall be observed by the permittee with a frequency of not less than once per day, that Dye Line #7 (EU07) operated. The permittee shall keep a log of the pressure drop observations from the EG recovery system.”
9. Condition IX.B.13 of the March 12, 2008 Title V Permit states in part,
“Compliance Assurance Monitoring (CAM) – Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that EU07 is operating.”
10. Condition IX.C.1 of the March 12, 2008 Title V Permit states in part, “The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Air Compliance Manager, West Central Regional Office. These records shall include, but are not limited to:
 - i. operation and control device monitoring records for the EG recovery system’s exhaust stack temperature, dye bath fume capture system pressure drop, and demister pressure drop as

required in Conditions IX.B.2, IX.B.4, IX.B.5, and IX.B.7.
The operating parameter logs shall include the date and time, name of the observer, the value of the parameter observed, and any corrective action.

1. Compliance Assurance Monitoring (CAM)
Recordkeeping – The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan (QIP) required pursuant to § 64.8 and any activities undertaken to implement a quality improvement plan (QIP), and other supporting information required to be maintained under this part (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.”

11. Condition XV.C.3 of the March 12, 2008 Title V Permit states in part, “The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than March 1 and September 1 of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - i. Exceedance of emission limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.”

12. On April 15, 2009, based on the inspection and follow-up information, the Department issued a Notice of Violation to CPFilms for the alleged violations described in paragraphs 4, 5, 6, 7, 8, 9, 10 and 11 above.
13. On May 13, 2009, Department staff met with representatives of Solutia and CPFilms to discuss the alleged violations. In the meeting, Solutia and CPFilms submitted a compact disc which included Dye Line #7 recovered data. The facility stated in the meeting that the recovered data was for the period of July 1, 2008 through August 12, 2008. Staff reviewed the submitted data and determined that the recovered data was for the period of July 14, 2008 through August 12, 2008.
14. Based on the results of the March 11 and 12, 2009 Air Compliance Inspection and the May 13, 2009 meeting, the Board concludes that Solutia and CPFilms has violated Conditions IX.B.2, IX.B.3, IX.B.4, IX.B.5, IX.B.7, IX.B.13, IX.C.1, and XV.C.3 of the Permit as noted above.
15. Solutia and CPFilms has submitted documentation that verifies that the violations described in paragraphs 4, 5, 6, 7, 8, 9, 10, and 11 above have been corrected.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Solutia and CPFilms and Solutia and CPFilms agrees to pay a civil charge of \$11,154.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order, or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, VA 23218

Solutia and CPFilms shall include its Federal Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Solutia and CPFilms for good cause shown by Solutia and CPFilms, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Solutia and CPFilms admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. Solutia and CPFilms consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Solutia and CPFilms declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Solutia and CPFilms to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.

8. Solutia and CPFilms shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other Acts of God, war, strike, or such other occurrence. Solutia and CPFilms shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Solutia and CPFilms shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days of learning of any condition above, which the Solutia and CPFilms intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Solutia and CPFilms. Nevertheless, Solutia and CPFilms agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. Solutia and CPFilms petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or

- b. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Solutia and CPFilms.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Solutia and CPFilms from its obligation to comply with any statute, regulation, permit condition, other Order, certificate, certification, standard, or requirement otherwise applicable.


12. Any plans, reports, schedules, or specifications attached hereto or submitted by Solutia and CPFilms and approved by the Department pursuant to this Order are incorporated into this Order. Any noncompliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Solutia and CPFilms certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Solutia and CPFilms to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Solutia and CPFilms.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms, or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Solutia and CPFilms voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 23rd day of JULY, 2009.



Steven A. Dietrich, Regional Director
Department of Environmental Quality

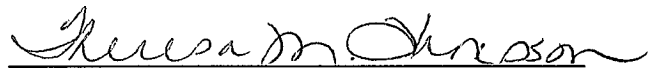
Solutia Inc. and CPFilms Inc. voluntarily agrees to the issuance of this Order.

Date: 7-21-2009 By: 
Keith Dalton
Plant Manager
Solutia Inc. and CPFilms Inc.

Commonwealth of Virginia

City/County of Henry

The foregoing document was signed and acknowledged before me this 21st day of
July, 2009 by Keith Dalton, of Solutia Inc. and CPFilms Inc., on behalf
of the corporation.


Notary Public

247427
Registration No.

My Commission expires: 4-30-13

Notary seal:

